



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/532,046 09/21/95 TURNER

D FISHBECK-S  
EXAMINER

CSM1/0919

MELIUS,T  
ART UNIT PAPER NUMBER  
*B*

DAVID R J STIENNON  
LATHROP & CLARK  
P O BOX 1507  
MADISON WI 53701-1507

3501

DATE MAILED:

09/19/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been *Reviewed*  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

Part II SUMMARY OF ACTION

1.  Claims 1-10 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2.  Claims \_\_\_\_\_ have been cancelled.
3.  Claims \_\_\_\_\_ are allowed.
4.  Claims \_\_\_\_\_ are rejected.
5.  Claims \_\_\_\_\_ are objected to.
6.  Claims 1-10 are subject to restriction or election requirement.
7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8.  Formal drawings are required in response to this Office action.
9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).
11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).
12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14.  Other

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Art Unit: 3501

DRAWINGS

The drawings submitted on September 12, 1995 are objected to as being informal (see attached PTO-948).

RESTRICTION

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-2, drawn to a boron steel mower blade, classified in Class 56, subclass 255.

II. Claims 3-10, drawn to a method of making a boron steel mower blade, classified in Class 29, subclass 891.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group II and Group I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case the process as claimed can be used to make a materially different product such as any type of boron steel cutting component.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by

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Art Unit: 3501

their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

The Examiner would like to note that an election was made by Mr. Steinnen concerning Group II (claims 3-10) during a telephone conversation of September 11, 1996. However, since the case will be sent out of the present Examiner's Group, a formal written restriction was deemed appropriate for the record of the case.

CONCLUSION

The Examiner would like to note that the PTO-1449 forms have been received.

Any inquiry concerning this communication should be directed to Examiner Terry Melius at telephone number (703) 308-2168.  
(The Examiner can normally be contacted any time Monday-  
Thursday.)

  
Melius/ph

September 17, 1996  
*9-18-96*

  
**TERRY LEE MELIUS**  
**PRIMARY EXAMINER**  
**GROUP 350**

Art Unit: 3501

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